

Application Serial No.: 10/737,217

Amendment and Response to July 28, 2006 Non-Final Office Action

**R E M A R K S**

Claims 1 - 2, 4 -10, and 15 -16 are in the application. No new matter has been added. Reconsideration and further examination are respectfully requested.

**Claim Rejections – 35 USC § 101**

Claims 1, 2, 4 – 10, and 15 – 16 were rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. This rejection is traversed.

The Office Action states that the subject claims are not "concrete" because different users would arrive at different results. However, Applicant claims a method that includes operations of setting a hierarchical relationship, receiving an indication of a security risk, receiving digital data, receiving an indication of a first selection, transmitting, receiving an indication of a second selection, and transmitting digital data descriptive of the security risk. (See claim 1) Applicant respectfully submits that each of the claimed aspects of setting, receiving, and transmitting are concrete. Furthermore, the various claimed operations are repeatable as claimed and disclosed in the Specification.

Applicant notes that the claimed operation steps, operations, and processes are concrete and are repeatable.

Regarding a specific "result" of the claimed method, the Examiner provides no evidence or support that different entities performing the recited operations would not receive the same "result".

More importantly however it is noted that "result" discussed by the Examiner is not that which is claimed by Applicant. That is, the Examiner is focused on aspects other than that which Applicant claims as the invention. Again, the recited processes of setting, receiving, and transmitting are concrete.

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Regarding the teaching of how data is taken in and the steps used to relate them to elements (See pages 3 and 4 of the Office Action), Applicant respectfully submits that the details sought by the Examiner are understood by those skilled in the relevant arts. For example, those skilled in the arts relating to, for example, computer processing, database management, relational databases, etc. would readily understand how to accept data inputs and associated various elements of the data with each other without the level of description and specificity desired by the Examiner.

Regarding the dependent claim reciting a "subjective quantifier", Applicant notes that the specific recitation of the subjective quantifier does not render the concrete, repeatable, and tangible claim process(es) acting on the "subjective quantifier" subjective.

Therefore, Applicant respectfully submits that claimed processes and operations are sufficiently disclosed and claimed under 35 USC 101.

Claims 1 – 2, 4 – 10, and 15 – 16 were rejected under 35 U.S.C. 101 for allegedly lacking patentable utility. This rejection is traversed.

Applicant claims, for example, transmitting data descriptive of the security risk to provide a mechanism for a user to traverse between the first and second elements based on the hierarchical relationship between the two or more elements. As stated in the Specification at page 1, lines 6 – 10, such mechanisms facilitate management of security risks to one or more facilities and the resources associated with the facilities.

Applicant notes that the *utility* provided by the Application is to be accepted unless the Examiner provides a logical reason as to why it should not be accepted. In the present matter, the Examiner has provided no reason why the plainly stated utility of the application is not to be accepted.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4 – 10, 15, and 16 under 35 USC 101.

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### **Claim Rejections – 35 USC § 112**

Claims 1 - 2, 4 – 10, and 15 – 16 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed.

Regarding the Examiner's statements that the Specification is not enabling because the Specification does not specifically state how information from a news feed is taken in and what steps are used to relate the same information to security risks of hierarchical elements, Applicant respectfully submits that the Specification is sufficiently enabling under 35 USC 112, 1<sup>st</sup> paragraph. In particular, as stated hereinabove, would surely understand how a system and apparatus such as those depicted in FIGS. 5 and 6 and discussed in the Specification accepts data inputs such as news feeds and associate various elements of databases together. That is, the general concepts of computer data input, processing, and transmitting that the Examiner takes issue with do not require or necessitate further description in the Specification.

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is currently amended to correct and overcome the antecedent basis issue noted by the Examiner.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4 – 10, 15, and 16 under 35 USC 101.

### **Claim Rejections – 35 USC § 103**

Claims 1 – 18 were rejected under 35 U.S. C. 103(a) as being unpatentable over Beverina et al. U.S. Publication No. 2001/0027388 in view of Zimmers et al. U.S. Publication No. 2005/0013417. This rejection is traversed.

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Applicant reiterates that claim 1 clearly recites "setting" a hierarchical relationship between two or more elements. Applicant does not merely recite or state that a hierarchical relationship exists but instead claims actively and positively setting the hierarchical relationship. Whether the recited hierarchical relationship is or is not valid or based on certain criteria is separate and different from the claimed aspect of setting the hierarchical relationship.

However, regarding the cited and relied upon Beverina the Office Action admits that Beverina does not disclose setting a hierarchical relationship. The Office Action merely relies upon Beverina's disclosure of a building and a floor within the building and based on the relationship between a building and a floor concludes Beverina discloses or suggests the setting of a relationship between two elements (i.e., the building and the floor in the building). The Examiner argues that Beverina may use hierarchical relationships even where Beverina does not refer to them as "hierarchical relationships".

Applicant respectfully disagrees with the Office Action and submits that even if a relationship exists between the building and the floor disclosed in Beverina, such a relationship is limited to those that are necessary (i.e., inherent). Such necessary relationships relied upon by the Office Action do not require any of the claimed setting or establishment since they are necessary. Therefore, Beverina discloses, at most, elements that are necessarily related.

Moreover, no setting of the hierarchical relationships as claimed by Applicant's is disclosed or suggested by Beverina. Beverina fails to even suggest the claimed hierarchical relationships, particularly since Beverina apparently uses related elements not even specifically referenced by Beverina.

Accordingly, Beverina does not disclose (admitted by the Office Action) setting a relationship between two elements or even suggest setting a hierarchical relationship between two. That is, Beverina fails to disclose or suggest that for which it was cited and relied upon for disclosing.

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Thus, Applicant has clearly shown that the cited and relied upon Beverina does not disclose (admitted by the Office) or suggest setting a hierarchical relationship between two elements.

Applicant submits that even if Zimmers were combined with Beverina as alleged in the Office Action (not admitted as suggested by the references or feasible by Applicant), the alleged combination would not render claim 1 obvious. This is true since the asserted combination of references fail to disclose or suggest all of that for which they, in combination, were cited and relied upon for disclosing and/or suggesting.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 under 35 USC 103(a). Claims 2 and 4 – 10 depend from claim 1. Applicant respectfully submits that claims 2, and 4 – 10 are patentable over Beverina and Zimmers for at least depending from an allowable base claim, and claims 15 and 16 are patentable for at least the same reasons as claim 1.

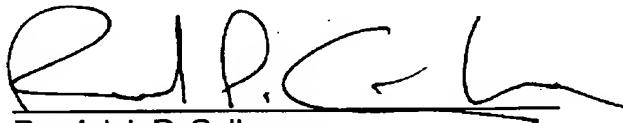
Therefore, Applicant requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4 – 10, 15, and 16 under 35 USC 103(a), and the allowance of same.

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## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,



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